



#13

PATENT

CERTIFICATE OF MAILING

I hereby certify that on 2/26/03, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231.

Maria Nadal

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Applicant: **Casscells et al.**
Serial No.: **09/303,313**
Filed: **April 30, 1999**
Title: **HEAT TREATMENT OF INFLAMED TISSUE**
Group Art Unit: **3762**
Examiner: **Scott Getzow**
Docket No.: **21120-106**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION TO REVIVE UNINTENTIONALLY ABANDONED

APPLICATION UNDER 37 C.F.R. SECTION 1.137(b)

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MAR 05 2003

OFFICE OF PETITIONS

Commissioner for Patents
Washington, DC 20231

Sir:

This application was unintentionally abandoned on June 7, 2001. Applicants hereby petition to revive the above application under 37 C.F.R. section 1.137(b), for the purpose of submitting a response to the final rejection mailed March 7, 2001, under 37 C.F.R. section 1.116. Applicants' attorney hereby states that the entire delay from the due date of responding to the final rejection until the filing of a grantable petition to revive the application was unintentional.

The application above was filed on April 30, 1999, by attorney Steven McDaniel of the law firm of Conley Rose & Tayon, as a continuation of parent application Ser. No. 08/934,260, now U.S. Patent No. 5,906,636, filed September 19, 1997. On November 1, 1999, attorney Steven McDaniel filed a change of address request with the PTO pursuant to his move to the law firm of McDaniel & Associates, from the law firm of Conley Rose & Tayon. On July 11, 2000, an Office Action rejecting all claims was

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mailed with a subsequent response to the Office Action filed December 11, 2000. On March 7, 2001, a Final Office Action was mailed from the PTO to attorney Steven McDaniel. On or about April 20, 2001, the application above was transferred to Oppenheimer Wolff & Donnelly for further prosecution at which time the file was reviewed for PTO communications requiring a response. At the time of the file review, no copy of the Final Office Action was located in the file, and thus, a response to the Final Office Action was not docketed. It is the practice of the law firm of McDaniel & Associates when transferring files, to forward all documents of the file, excepting personal communications with firm clients, to the new attorney. As such, it is assumed that the Final Office Action must have physically fallen out of the file and been lost during shipment of the file from Texas to California.

A new power of attorney and revocation of prior powers was filed by Oppenheimer Wolff & Donnelly on August 10, 2001, with instructions to direct all future correspondence to the offices of Oppenheimer Wolff & Donnelly, 840 Newport Center Drive, Newport Beach, California. The postcard for the new power of attorney and revocation of prior powers was received August 27, 2001. On September 10, 2002, a Notice of Abandonment for failure to respond to the Final Office Action was mailed to the law offices of Steven McDaniel in Austin, Texas. A copy of the Notice of Abandonment was forwarded the law offices of Oppenheimer Wolff & Donnelly on September 23, 2002. Applicants' attorney hereby reiterates that the entire delay from the due date of responding to the final rejection until the filing of a grantable petition to revive the application was unintentional.

Additional filings being submitted contemporaneously or herewith, include a response to the Final Office Action mailed March 7, 2001, including a Terminal Disclaimer, a request for Change of Mailing Address, a request for corrected filing receipt reflecting the claim to priority from the parent application and the preceding provisional application, an assignment of all rights from Texas Heart Institute to the University of Texas, a Power of Attorney and Revocation of Prior Powers and a submission of formal drawings, including a petition to accept photographs in lieu of drawings.

The Commissioner is authorized to charge any fees required in connection with this petition and the application above to Deposit Account No. 50-1901.

Respectfully submitted,

Dated: 2-26-03



William B. Anderson
Registration No. 41,585
Attorney for Applicants

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION UNDER 37 C.F.R. SECTION 1.84(B)(1)

TO ACCEPT PHOTOGRAPHS IN LIEU OF DRAWINGS

OK
SG
5/7/03

Commissioner for Patents
Washington, DC 20231

Sir:

Applicants hereby petition under 37 C.F.R. section 1.84(b)(1) to have two black and white photographs accepted in lieu of drawings in the above-identified application. Three sets of photographs are being submitted herewith.

The Commissioner is authorized to charge any fees required in connection with this petition and the application above to Deposit Account No. 50-1901.

Respectfully submitted,

Dated: 2-26-03

William B. Anderson

William B. Anderson
Registration No. 41,585
Attorney for Applicants

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